

# HOUSE JOURNAL

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EIGHTY-FIFTH LEGISLATURE, FIRST CALLED SESSION

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## PROCEEDINGS

TWENTIETH DAY — SUNDAY, AUGUST 13, 2017

The house met at 7:48 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 156).

Present — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Laubenberg; Murphy; Oliveira; Shaheen.

The speaker recognized Representative Roberts who offered the invocation.

The speaker recognized Representative Guerra who led the house in the pledges of allegiance to the United States and Texas flags.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today because of important business in the district:

Oliveira on motion of Moody.

Shaheen on motion of Schofield.

The following member was granted leave of absence for today because of important business:

Laubenberg on motion of Burrows.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

The following bills were laid before the house and read third time:

**HB 367 ON THIRD READING  
(by Capriglione, Koop, Zerwas, Simmons, Howard, et al.)**

**HB 367**, A bill to be entitled An Act relating to the deposit of money received from the federal government and the authority of the comptroller concerning related funds and accounts.

**HB 367** was passed by (Record 157): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dukes; Dutton; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Laubenberg; Murphy; Oliveira; Shaheen.

Absent — Deshotel; Farrar.

**STATEMENT OF VOTE**

When Record No. 157 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

The following bills were laid before the house and read third time:

**SB 1 ON THIRD READING**  
**(D. Bonnen - House Sponsor)**

**SB 1**, A bill to be entitled An Act relating to the calculation of the ad valorem rollback tax rate of a taxing unit and voter approval of a proposed tax rate that exceeds the rollback tax rate.

Representative D. Bonnen moved to postpone consideration of **SB 1** until 8 a.m. tomorrow.

The motion prevailed by (Record 158): 109 Yeas, 15 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burrows; Button; Capriglione; Clardy; Collier; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Longoria; Lozano; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Walle; White; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Hefner; Keough; Krause; Lang; Leach; Rinaldi; Schaefer; Schofield; Stickland; Swanson; Tinderholt; Wilson; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Laubenberg; Murphy; Oliveira; Shaheen.

Absent — Arévalo; Bohac; Burns; Canales; Coleman; Cook; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Fallon; Farrar; Hernandez; Israel; Johnson, E.; Johnson, J.; Lucio; Reynolds; Sanford; Vo.

**STATEMENTS OF VOTE**

When Record No. 158 was taken, I was in the house but away from my desk. I would have voted no.

Bohac

When Record No. 158 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 158 was taken, I was shown voting yes. I intended to vote no.

Faircloth

When Record No. 158 was taken, I was in the house but away from my desk. I would have voted no.

Sanford

### **SB 11 ON THIRD READING**

#### **(G. Bonnen, Cook, Geren, and Oliveira - House Sponsors)**

**SB 11**, A bill to be entitled An Act relating to general procedures and requirements for certain do-not-resuscitate orders; creating a criminal offense.

**SB 11** was passed by (Record 159): 122 Yeas, 20 Nays, 1 Present, not voting.

Yeas — Allen; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Dean; Deshotel; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Herrero; Holland; Huberty; Hunter; Isaac; Johnson, J.; Kacal; Keough; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Leach; Longoria; Lozano; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murr; Neave; Nevárez; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Uresti; VanDeaver; Villalba; Walle; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Davis, S.; Davis, Y.; Dutton; Hinojosa; Howard; Israel; Johnson, E.; Ortega; Perez; Reynolds; Rose; Turner; Vo; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Laubenberg; Murphy; Oliveira; Shaheen.

Absent — Dukes; Hernandez; Lucio.

### **STATEMENT OF VOTE**

When Record No. 159 was taken, I was excused because of important family business. I would have voted yes.

Murphy

### **GENERAL STATE CALENDAR**

#### **SENATE BILLS**

#### **SECOND READING**

The following bills were laid before the house and read second time:

**CSSB 16 ON SECOND READING****(P. King - House Sponsor)**

**CSSB 16**, A bill to be entitled An Act relating to the creation of a commission to recommend improvements to the public school finance system.

Representative P. King moved to postpone consideration of **CSSB 16** until 8:15 p.m. today.

The motion prevailed.

**SB 17 ON SECOND READING****(Burkett, S. Davis, Klick, Walle, Thierry, et al. - House Sponsors)**

**SB 17**, A bill to be entitled An Act relating to maternal health and safety, pregnancy-related deaths, and maternal morbidity, including postpartum depression.

**Amendment No. 1**

Representative Burkett offered the following amendment to **SB 17**:

Amend **SB 17** (house committee report) as follows:

(1) On page 2, line 5, between "USE" and the underlined period, insert "AND DOMESTIC VIOLENCE".

(2) On page 2, lines 5 and 6, strike "The task force, in coordination with the department" and substitute "Using existing resources, the commission, in consultation with the task force".

(3) On page 2, line 8, between "use" and "screening", insert "screening and domestic violence".

(4) On page 2, line 11, between "use" and "using", insert "and verbally screening a pregnant woman for domestic violence".

(5) On page 2, line 13, between "treatment" and "resources", insert "resources and domestic violence prevention and intervention".

(6) On page 2, line 16, between "use" and "during", insert "and on domestic violence prevention and intervention".

(7) On page 2, line 17, strike "department" and substitute "commission".

(8) On page 2, line 19, strike "department's" and substitute "commission's".

(9) On page 6, strike lines 17 through 19 and substitute the following:

SECTION 8. Not later than June 1, 2018, the Health and Human Services Commission shall make

(10) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 34.004, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Meetings of the task force are ~~[closed to the public and are not]~~ subject to Chapter 551, Government Code, except that the task force may conduct a closed meeting to review cases under Section 34.007. A closed meeting conducted under this subsection is governed by Subchapter E, Chapter 551, Government Code.

(c) The task force shall:

(1) allow for public comment during at least one public meeting each year;

(2) vote in open session on recommendations made under Section 34.005 to help reduce the incidence of pregnancy-related deaths and severe maternal morbidity in this state; and

(3) post public notice and minutes for meetings conducted for the sole purpose of reviewing cases for selection under Section 34.007.

SECTION \_\_\_\_ . Section 34.009(d), Health and Safety Code, is amended to read as follows:

(d) Information is not confidential under this section if the information is general information that cannot be connected with any specific individual, case, or health care provider, such as:

(1) total expenditures made for specified purposes;

(2) the number of families served by particular health care providers or agencies;

(3) aggregated data on social and economic conditions;

(4) medical data and information related to health care services that do not include any identifying information relating to a patient or the patient's family; ~~and~~

(5) information, including the source, value, and purpose, related to gifts, grants, or donations to or for use by the task force; and

(6) other statistical information.

### **Amendment No. 2**

Representative Walle offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Burkett to **SB 17** as follows:

(1) On page 2, line 2, strike "may" and substitute "shall".

(2) On page 2, lines 3 and 4, strike "A closed meeting conducted under this subsection is governed by Subchapter E, Chapter 551, Government Code."

(3) On page 2, line 8, strike "vote in open session on" and substitute "present in open session".

(4) On page 2, line 11, strike "and minutes".

Amendment No. 2 was adopted.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business:

Y. Davis on motion of S. Thompson.

### **SB 17 - (consideration continued)**

Amendment No. 1, as amended, was adopted.

### **Amendment No. 3**

Representative Ortega offered the following amendment to **SB 17**:

Amend **SB 17** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 34.002(b), Health and Safety Code, is amended to read as follows:

(b) The task force is a multidisciplinary advisory committee within the department and is composed of the following 17 ~~[15]~~ members:

(1) 15 ~~[13]~~ members appointed by the commissioner as follows:

(A) four physicians specializing in obstetrics, at least one of whom is a maternal fetal medicine specialist;

(B) one certified nurse-midwife;

(C) one registered nurse;

(D) one nurse specializing in labor and delivery;

(E) one physician specializing in family practice;

(F) ~~[(E)]~~ one physician specializing in psychiatry;

(G) ~~[(F)]~~ one physician specializing in pathology;

(H) ~~[(G)]~~ one epidemiologist, biostatistician, or researcher of pregnancy-related deaths;

(I) ~~[(H)]~~ one social worker or social service provider;

(J) ~~[(I)]~~ one community advocate in a relevant field; ~~and~~

(K) ~~[(J)]~~ one medical examiner or coroner responsible for recording deaths; and

(L) one physician specializing in critical care;

(2) a representative of the department's family and community health programs; and

(3) the state epidemiologist for the department or the epidemiologist's designee.

Amendment No. 3 was adopted.

**SB 17**, as amended, was passed to third reading.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 9:25 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 9:25 p.m. today, 3W.9, for a formal meeting, to set a calendar.

### POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

**CSSB 16 ON SECOND READING**  
**(P. King - House Sponsor)**

**CSSB 16**, A bill to be entitled An Act relating to the creation of a commission to recommend improvements to the public school finance system.

**CSSB 16** was read second time earlier today and was postponed until this time.

Representative P. King moved to postpone consideration of **CSSB 16** until 8 a.m. tomorrow.

The motion prevailed by (Record 160): 127 Yeas, 15 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Deshotel; Dutton; Elkins; Faircloth; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Kuempel; Lambert; Landgraf; Larson; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murr; Neave; Nevárez; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schofield; Schubert; Sheffield; Shine; Smithee; Springer; Stephenson; Stucky; Thierry; Thompson, E.; Thompson, S.; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zerwas.

Nays — Biedermann; Cain; Fallon; Keough; Krause; Lang; Leach; Rinaldi; Sanford; Schaefer; Simmons; Stickland; Swanson; Tinderholt; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, Y.; Laubenberg; Murphy; Oliveira; Shaheen.

Absent — Dukes; Farrar.

**STATEMENT OF VOTE**

When Record No. 160 was taken, I was shown voting yes. I intended to vote no.

Bohac

**ADJOURNMENT**

Representative Smithee moved that the house adjourn until 1 p.m. tomorrow.

The motion prevailed.

The house accordingly, at 9:25 p.m., adjourned until 1 p.m. tomorrow.



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**ADDENDUM**

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**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1****MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Sunday, August 13, 2017

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:****HB 214**

Smithee

SPONSOR: Creighton

Relating to health plan and health benefit plan coverage for elective abortion.

**THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:****SB 6**

(21 Yeas, 10 Nays)

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**August 12**Appropriations - **SB 19**Public Health - **SB 17****ENROLLED****August 12 - HCR 26**

